



# CLERK'S BOARD SUMMARY

## REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY  
November 09, 2021**

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**20-21**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, November 9, 2021, at 9:37 a.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- Supervisor Walter Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney Lusk, Lee District
- Supervisor Dalia Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James Walkinshaw, Braddock District

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Angela Schauweker, Management Analyst III, Dottie Steele, Chief Deputy Clerk for the Board of Supervisors; Nathaniel Strathearn, Management Analyst II, Ekua Brew-Ewool and Kecia Kendall, Deputy Clerks, and Bobby Vaught, Administrative Assistant, Department of Clerk Services.

**BOARD MATTERS**1. **MASKS REQUIRED** (9:37 a.m.)

Chairman McKay stated that, in accordance with CDC guidance, masks are continued to be required for everyone who enters a County facility. Therefore, everyone in the Board Auditorium today must wear a mask at all times, including while speaking or taking photos.

2. **MOMENT OF SILENCE** (9:43 a.m.)

The Board asked everyone to keep in thoughts the family and friends of:

- Former Governor Linwood Holton, who passed away at the end of October. He was Secretary Anne Holton's father and Senator Tim Kaine's father-in-law. He was also a true statesman who fought for civil rights and helped reshape Virginia politics, leading by example in integrating Virginia's schools
- John "JR" Rutherford, who passed away last month. He was a Park Authority archeologist with the County for more than 20 years and was involved in building and maintaining GIS databases and maps; was the cultural resource representative on many park master plan teams, including large scale projects such as Laurel Hill and Sully Woodlands; and was also a major author and implementor of the Cultural Resources Management Plan.
- Bernice Colvard, who passed away recently. She was a longtime historian for the League of Women Voters. She captured the history of women in elected office and was a long-time resource for information on voting, suffrage, and all matters that occurred at the workhouse.
- Melvin Cotner, who passed away earlier this month. He was Lord Fairfax for the Mason District in 2018 at the age of 90; participated in the Falls Church Community Service Council, the Seven Corners Children's Center, and was a charter member of the Human Services Council.
- Johnny Artis, who passed away earlier this month. He was a local music legend who regularly performed at local venues including Fairfax County's various concert series.

**AGENDA ITEMS****3. PRESENTATION OF THE VIRGINIA ASSOCIATION OF COUNTIES (VACo) AWARD (9:44 a.m.)**

Dean Lynch, Executive Director, VACo, presented the VACo Achievement Award to the Department of Public Works and Environmental Services, Stormwater Planning Division.

**4. PROCLAMATION DESIGNATING NOVEMBER 2021 AS "ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY (9:52 a.m.)**

Supervisor Herrity moved approval of the Proclamation designating November 2021 as "*Adoption Awareness Month*" in Fairfax County. Supervisor Storck seconded the motion and it carried by unanimous vote.

**5. PROCLAMATION DESIGNATING NOVEMBER 2021 AS "CAREGIVERS AWARENESS MONTH" IN FAIRFAX COUNTY (10:14 a.m.)**

Supervisor Herrity moved approval of the Proclamation designating November 2021 as "*Caregivers Awareness Month*" in Fairfax County. Chairman McKay seconded the motion and it carried by unanimous vote.

**6. PROCLAMATION DESIGNATING NOVEMBER 15, 2021, AS "FAIRFAX COUNTY RECYCLES DAY" (10:27 a.m.)**

Supervisor Herrity, jointly with Supervisor Gross, and Supervisor Storck, moved approval of the Proclamation designating November 15, 2021, as "*Fairfax County Recycles Day*." Supervisor Gross and Supervisor Storck jointly seconded the motion and it carried by unanimous vote.

**EBE:ebe**

**7. 9:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS (BACs) AND ADVISORY GROUPS (10:42 a.m.)**

(APPTS)  
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of "Appointments to be Heard November 9, 2021." Chairman McKay seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

**A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE**

The Board deferred the appointments of the At-Large Chairman's, Mason, and the Mount Vernon District Representatives.

**ADVISORY PLANS EXAMINER BOARD**

Confirmation of:

- Mr. Jeffrey E. Vish as the County Employee Representative

**ADVISORY SOCIAL SERVICES BOARD**

The Board deferred the appointment of the Dranesville District Representative.

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

The Board deferred the appointments of the Builder (Multi-Family), Engineer/Architect/Planner #1 and #2, and the Lending Institution Representatives.

**AIRPORTS ADVISORY COMMITTEE**

Reappointment of:

- Mr. Frank Lesser as the Sully District Representative

**ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)**

The Board deferred the appointments of the At-Large #1 and #4 Representatives.

**ARCHITECTURAL REVIEW BOARD**

The Board deferred the appointment of the Related Professional Group #6 Representative.

**ATHLETIC COUNCIL**

Appointment of:

- Mr. Robert G. Kirk as the Mount Vernon District Alternate Representative

The Board deferred the appointments of the Diversity-At-Large Alternate and Principal, and the Mason District Alternate Representatives.

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

The Board deferred the appointment of the Dranesville District Representative.

**BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS**

The Board deferred the appointments of the Alternate #1 and Design Professional #1 Representatives.

**BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)**

Reappointment of:

- Ms. Maria Dolores Quintela as the Professional #1 Representative

The Board deferred the appointments of the At-Large #2 and the Professional #3 Representatives.

**CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS**

The Board deferred the appointments of the At-Large #1 and #3 Representatives.

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

The Board deferred the appointments of the At-Large #2 and the Mason District Representatives.

**CIVIL SERVICE COMMISSION**

Reappointment of:

- Ms. Nancy Angland Rice as the At-Large #1 Representative
- Mr. Farzin Farzad as the At-Large #5 Representative
- Mr. Patrick Morrison as the At-Large #7 Representative

The Board deferred the appointments of the At-Large #3, #4, #6, #8, #9, #10, #11 and #12 Representatives.

**COMMISSION FOR WOMEN**

The Board deferred the appointments of the Braddock, Mount Vernon, and Springfield District Representatives.

**COMMUNITY ACTION ADVISORY BOARD (CAAB)**

Appointment of:

- Mr. Matthew Bell as the Mount Vernon District Representative

**CONSUMER PROTECTION COMMISSION**

Appointment of:

- Mr. Paul Svab as the Fairfax County Resident #11 Representative

The Board deferred the appointments of the Fairfax County Resident #6, #7, and #9 Representatives.

#### **CRIMINAL JUSTICE ADVISORY BOARD (CJAB)**

The Board deferred the appointments of the Providence and Springfield District Representatives.

#### **DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II**

The Board deferred the appointment of the BOS At-Large #6 Representative.

#### **ECONOMIC ADVISORY COMMISSION**

The Board deferred the appointments of the Mason and Sully District Representatives.

#### **ENGINEERING STANDARDS REVIEW COMMITTEE**

The Board deferred the appointments of the Citizen #2 and #4 Representatives.

#### **FAIRFAX AREA DISABILITY SERVICES BOARD**

Appointment of:

- Mr. Benjamin Gibbs as the At-Large Fairfax County Representative
- Ms. Jamie Lynne Bruen as the Sully District Representative

The Board deferred the appointments of the At-Large #1 Business Community, Lee and Mason District Representatives.

#### **FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS**

The Board deferred the appointment of the Lee District Representative.

#### **HEALTH CARE ADVISORY BOARD**

The Board deferred the appointments of the At-Large Chairman's and Dranesville District Representatives.

**HEALTH SYSTEMS AGENCY BOARD**

The Board deferred the appointments of the Consumer #5 and Provider #1 Representatives.

**HISTORY COMMISSION**

Reappointment of:

- Mr. Robert Beach as the Architect Representative
- Ms. Cheryl-Ann Beattie Repetti as the Citizen #5 Representative
- Ms. Sue Kovach Shuman as the Citizen #8 Representative
- Ms. Anne M. Barnes as the Citizen/Minority Representative

The Board deferred the appointments of the Citizen #1, #2, #4, #6 and the Historian #1 Representatives.

**HUMAN RIGHTS COMMISSION**

The Board deferred the appointment of the At-Large #1 Representative.

**HUMAN SERVICES COUNCIL**

The Board deferred the appointment of the Mount Vernon District #2 Representative.

**INDUSTRIAL DEVELOPMENT AUTHORITY**

Reappointment of:

- Mr. Christopher A. Glaser as the At-Large #4 Representative

**INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)**

The Board deferred the appointments of the At-Large Chairman's, Hunter Mill, and Lee District Representatives.

**OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING**

The Board deferred the appointments of the At-Large Chairman's, Braddock, Dranesville, Hunter Mill, Mason, Mount Vernon, Providence, and Sully District Representatives.

**PLANNING COMMISSION**

Reappointment of:

- Mr. John Anderson Carter as the Hunter Mill District Representative
- Mr. Walter C. Clarke as the Mount Vernon District Representative

**POLICE CIVILIAN REVIEW PANEL**

The Board deferred the appointments of the Seat #2 and #5 Representatives.

**RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

The Board deferred the appointments of the Commercial or Retail Ownership #2 and the Residential Owners and HOA/Civic Association #3 Representatives.

**ROAD VIEWERS BOARD**

The Board deferred the appointments of the At-Large #1, #2, #3, #4 and #5 Representatives.

**CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL**

Appointment of:

- Ms. Angela Valerino Davis as the Fairfax County #2 Representative

**SMALL BUSINESS COMMISSION, FAIRFAX COUNTY**

The Board deferred the appointments of the At-Large #1, #3, Mason, and Sully District Representatives.

**TENANT LANDLORD COMMISSION**

The Board deferred the appointments of the Citizen Member #1 and #3, Landlord Member #2 and #3 Representatives.

**TREE COMMISSION**

The Board deferred the appointments of the Dranesville and Lee District Representatives.

**TRESPASS TOWING ADVISORY BOARD**

The Board deferred the appointment of the Citizen Alternate Representative.

**TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

The Board deferred the appointment of the Commercial or Retail Ownership #3 Representative.

**UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES**

The Board deferred the appointment of the Citizen appointed by BOS #4 Representative.

**WETLANDS BOARD**

The Board deferred the appointments of the Alternate #1, At-Large #2, and the Mount Vernon District #3 Representatives.

**AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC)**

Confirmation of:

- Ms. Julie Strandlie as the Planning Commission Representative

The Board deferred the appointments of the Lee and Mason District Representatives.

**FAIRFAX COUNTY 250<sup>TH</sup> COMMISSION**

Appointment of:

- Ms. Anne M. Barnes as the Mount Vernon District Representative
- Ms. Joyce Gray Bellamy as the Providence District Representative

The Board deferred the appointments of the Dranesville, Lee, Mason, and Springfield District Representatives.

**DISTRICT OF COLUMBIA (DC) WATER AND SEWER AUTHORITY**

Confirmation of:

- Mr. Chris Herrington, Director, Department of Public Works and Environmental Services (DPWES), as the Principal Representative
- Ms. Sarah Motsch, Wastewater Planning and Monitoring Division, DPWES, as the Alternate Representative

**DMS:dms**

**ADDITIONAL BOARD MATTERS**

8. **CERTIFICATE OF RECOGNITION REQUEST FOR THE FRANCONIA MUSEUM** (10:42 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and jointly, with Supervisor Lusk, asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for the Franconia Museum in celebration of its 20<sup>th</sup> anniversary, to be presented in the Board Room. Without objection, it was so ordered.

9. **RENEWAL AND EXTENSION OF THE REDISTRICTING ADVISORY COMMITTEE (RAC)** (10:42 a.m.)

(BAC) Chairman McKay stated that the Board first approved a resolution in early 2021 to initiate the reapportionment process and charged the RAC with this task. While the original work of the Committee is complete and its original charter closed, in a letter dated November 1, 2021, Paul Berry, Chairman, RAC, he wrote “I strongly encourage a community-driven process that evaluates the names of magisterial districts [...] to bring greater equity to bear in Fairfax County.”

In coordination with Chairman Berry, and jointly with Supervisor Walkinshaw, Chairman McKay moved that the Board renew and extend the Charter of the RAC, to complete the suggested work of evaluating the names of magisterial districts until March 1, 2022, in line with the Attorney General’s review of the County’s final redistricting plan, and report to the Board.

In addition, understanding that this is new work presented to the Committee and not all its original members may be able to continue this work. Chairman McKay further moved that the Board:

- Direct all appointing individuals and organizations to ask their appointees if they would like to be reappointed. Should that individual no longer wish to serve, a letter declining reappointment should be received so that a replacement can be found
- Submit to the Clerk all the names by November 23, 2021, whether for reappointment or replacement. A final vote on the committee’s membership will be taken by the Board at the December 7, 2021, meeting, as part of the vote on Boards, Authorities, Committees, and Commissions. This mirrors the process taken to originally appoint the RAC
- Direct the County Executive to identify appropriate staff, agencies, and resources to carry out this Committee

Vice-Chairman Gross seconded the motion.

Following discussion regarding the possibility and timing of changing the Supervisor District names, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

Vice-Chairman Gross returned the gavel to Chairman McKay.

10. **VIRGINIA RECREATION AND PARK SOCIETY (VRPS) CONFERENCE AWARDS AND RECOGNITIONS** (10:49 a.m.)

Chairman McKay congratulated the following people and business for being selected:

- Dr. Jeffrey Kretsch, Volunteer, Park Authority, received the organization's Distinguished Volunteer Service Award
- Northrop Grumman was honored in the Distinguished Private Sector Service category
- Bill Bouie, Chairman, Park Authority, received the Distinguished Volunteer award for his service with the Reston Community Center

11. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)** (10:50 a.m.)

Supervisor Gross announced that she had no Board Matters to present today.

12. **LIMITING THE PURCHASE AND USE OF GAS-POWERED LEAF BLOWERS ON COUNTY PROPERTIES** (10:50 a.m.)

Supervisor Walkinshaw stated that the use of gas-powered leaf blowers presents a number of problems, most prominently their extreme and penetrating noise levels and the highly toxic emissions from the out-of-date two-stroke engines that they often use. Many gas-powered leaf blowers reach noise levels of 65 to 80 decibels at 50 feet away, enough to cause permanent hearing damage and/or tinnitus. Their engines are incredibly inefficient, releasing as much as 30 percent of oil/gasoline mixture they burn as aerosol. They emit 23 times more carbon monoxide than a Ford pickup truck.

This year, Supervisor Alcorn requested an accounting of how many gas-powered leaf blowers are owned and operated by County agencies. Additionally, the Board's recently-adopted Community-wide Energy and Climate Action Plan calls for the transition to electric vehicles and leaf blowers to achieve the County's emissions reduction goals. Fairfax County Public Schools have begun a pilot project at three schools to test the feasibility of switching to electric-powered tools on all of the District's 1,700 mowable acres.

County agencies work with the Department of Procurement and Material Management on product specifications when making purchases of leaf blowers. Agencies also place orders independently for products, and some agencies use third-party contractors for landscaping services. Due to the multifaceted nature of the acquisition and use of leaf blowers, a countywide policy would be necessary to institute the changes across departments and to express commitment to a cleaner and quieter County.

Therefore, jointly with Chairman McKay, Supervisor Alcorn, and Supervisor Storck, Supervisor Walkinshaw moved that the Board:

- Direct staff to:
  - Report with a plan to discontinue the purchase of gas-powered leaf blowers as soon as is practical
  - Update its procurement processes to incentivize electric use by awarding extra points to contractors which use electric leaf blowers and landscaping equipment
- Direct the Office of Environmental and Energy Coordination, the Office of Public Affairs, and the Department of Public Works and Environmental Services work to inform residents about the environmental hazards of gas-powered leaf blowers and the alternatives to grass and leaf collection. This work would include an announcement of what the County will be doing to limit and phase out gas-powered leaf blowers, as well as promotional pieces to be posted on the relevant County websites where information about leaf collection and lawn maintenance is listed. Supervisor Alcorn and Supervisor Storck jointly seconded the motion and it carried by a vote of nine, Supervisor Herrity voting “NAY.”

13. **LETTER TO GOVERNOR-ELECT GLENN YOUNGKIN** (10:57 a.m.)

Supervisor Walkinshaw stated that at this time of year the Board spends a great deal of time working on its draft Legislative Program and Human Services Issue Paper, highlighting legislative priorities for the upcoming 2022 General Assembly (GA) session, which begins in January. In fact, later today the Board will be holding a public hearing on those draft documents. Additionally, as the Board is aware, last week the voters of the Commonwealth elected a new Governor, Glenn Youngkin. When a new Virginia Governor is elected, the County typically shares some of its budget priorities with them, as they begin crafting their legislative agenda in advance of the first legislative session.

Virginia has an unusual budget process for new Governors – it is actually the departing Governor, in this case Governor Ralph Northam, who will propose the official introduced budget to the 2022 GA in December. It is then that the incoming

Governor-elect Youngkin will work with the 2022 GA on the budget throughout the session, as well as make legislative decisions about the final budget after the session has concluded. He will also be the Governor who implements the 2022-2024 biennium budget.

Supervisor Walkinshaw stated that as Virginia enters this transition period and the change of leadership in Richmond, the County congratulates Governor-elect Youngkin on his election and urges him to uphold the spirit of cooperation that the Board has enjoyed with the Commonwealth's Governors for many years. It is also important that the County highlight its State budget priorities, and suggest areas where there may be common ground, including increased State funding support for K-12 public education, transportation, mental health, the environment, and affordable housing, among others. Given that Governor-elect Youngkin is from the County, it is the Board's hope that it will be able to work with him on a wide range of budget issues that are vital to the County.

Therefore, Supervisor Walkinshaw moved that the Board direct staff to send the letter attached to his Board Matter, under the Chairman's signature, to Governor-elect Youngkin requesting his consideration of the County's budget priorities. Chairman McKay seconded the motion.

Following discussion regarding a typo in the draft letter and topics discussed by Governor-elect Youngkin while campaigning, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity abstaining.

14. **BIPARTISIAN INFRASTRUCTURE PACKAGE** (11:02 a.m.)

Supervisor Walkinshaw announced that the House recently passed the \$1-trillion package and he highlighted some items that were included as part of the package.

15. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (11:06 a.m.)

Supervisor Foust announced that he had no Board Matters to present today.

16. **NO BOARD MATTERS FOR SUPERVISOR ALCORN (HUNTER MILL DISTRICT)** (11:06 a.m.)

Supervisor Alcorn announced that he had no Board Matters to present today.

17. **NO BOARD MATTERS FOR SUPERVISOR LUSK (LEE DISTRICT)** (11:07 a.m.)

Supervisor Lusk announced that he had no Board Matters to present today.

18. **PROCLAMATION REQUEST FOR GINA LYNCH** (11:07 a.m.)

Supervisor Storck stated that Gina Lynch, Chair of the Fairfax County Animal Services Advisory Commission (ASAC) and Mount Vernon representative, was recently recognized by the Virginia Animal Control Association (VACA) with the 2021 Presidents' Award. This award is presented to a community member who has made a difference in the community by assisting animal control on a local level. Supervisors in the Animal Protection Police felt that not only was her 20 plus years of dedicated service to ASAC worthy of this nomination, but also her relentless pursuit for justice in criminal cases against those who abuse animals. Last year she met with Steve Descano, Commonwealth Attorney, on several occasions and was able to convince him that animal abuse and cruelty cases needed to be prosecuted in the County.

Supervisor Storck stated that Ms. Lynch is the go-to for all things animal related in his office and Countywide, whether it's adoption, rabies clinics, Trap-Neuter-Return program, or wildlife, the County can always count on Ms. Lynch to have the right answer and to help in any way asked, and with a smile on her face. Supervisor Storck thanked Ms. Lynch for her service to animals and their humans in the community.

Therefore, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a Proclamation, signed by the Chairman and Mount Vernon District Supervisor, to be presented to Ms. Lynch in honor of her outstanding efforts in animal services in the County, to be presented outside of the Board Room. Without objection, it was so ordered.

19. **IN-PERSON EARLY VOTING INFORMATION CLARITY** (11:09 a.m.)

Supervisor Storck stated that each year, the County makes great efforts to ensure all of its citizens receive timely, accurate voting information and have a variety of options and locations for doing so. Supervisor Storck applauded the Elections Office for the work they do to organize and staff satellite offices to make voting accessible for everyone.

Many thousands of citizens successfully voted at the Mount Vernon Governmental Center these past couple of months. Regrettably, each year, hundreds of citizens arrive at the Governmental Center to absentee vote at the incorrect time and/or date. Each of them cites the voting hours of the main Government Center (12000 Government Center Parkway) as the reasoning for their error and they often leave very unhappy and frustrated. Supervisor Storck stated his belief that this can be significantly remedied by altering the election card to better clarify and distinguish between the "Government Center" and the "Governmental Centers" dates and times. The names of the locations and their election card positioning next to each other make it too confusing for the typical voter to distinguish between the Centers.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to work with the Office of Elections, and the directly impacted District offices, to consider alternate language to the Early Voting section of the election card as it is being developed and prior to its printing. Without objection, it was so ordered.

Discussion ensued regarding:

- Inclusion of all District offices, even those where voting is not offered
- Sunday voting options for the community
- Increasing the size of the flyer to adequately include all the information

20. **ADOPTION OF THE AUDITOR OF THE BOARD'S SEPTEMBER 2021 QUARTERLY REPORT** (11:17 a.m.)

Supervisor Storck stated that the Board has received the Auditor of the Board's September 2021 Quarterly Report. The report included the following study areas, recommendations, and managements' concurrence:

- Fairfax County Department of Transportation Cash Proffers Study:
  - Assess aged proffer balances, project and financial activity to evaluate projects as going concerns or actions, such as: repurposing, escheating, or returning funds to developers
  - Assess inactive or not located developers and related proffer balances to determine if projects remain going concerns
  - Enhance proffer and escrow internal tracking to differentiate between these two financial instruments to ensure proper treatment of funds
  - Procure and maintain all proffer statements to support the related projects
- Community Services Board Revenue Analysis Study:
  - Enhance financial processes to improve healthcare revenue cycle, such as: patient facing and back-office billing functions, benchmarking, and consistently collecting patient insurance information upfront
  - Liaise with County Counsel and other appropriate parties to document and execute the Cities of Falls Church and Fairfax Shared Services agreements which includes billing methodologies

- Construct and document the operational costs for health care services provided to the Cities of Falls Church and Fairfax. This captured cost information should assist staff with financial management thereby allowing for a better alignment between cost and negotiated rates with insurance companies. The by-product of this process will be a reduction in claims processing and disallowed claims
- Assess adjustments/write-offs and identify root causes to reduce re-occurrences

Supervisor Storck moved that the Board adopt the Auditor of the Board's September 2021 Quarterly Report. Supervisor Palchik seconded the motion and it carried by unanimous vote.

21. **PROCLAMATION REQUEST FOR THE COMMISSION FOR WOMEN**  
(11:19 a.m.)

Supervisor Palchik stated that this year marks 50 years since the Commission for Women was established by the Board for the purpose of advising the Board on ways to eliminate violence against women and end gender and sex-based discrimination against all women and girls in the County.

The Commission has become a vital force in the County due to its strong advocacy work toward helping establish the Turning Point Suffrage Memorial, pursuing the passage of the Equal Rights Amendment and supporting paid family medical leave. It has established robust partnerships with organizations including the Campaign for a Family Friendly Economy, Domestic and Sexual Violence Services, League of Women Voters of the Fairfax Area, and the National Association of Commissions for Women, which have been pivotal in advancing the work of promoting gender equality and honoring women and girls. It remains committed to diversity, equity, and inclusion, to best serve community members who are historically marginalized, underserved, unheard and underrepresented.

Therefore, jointly with Supervisor Gross and Supervisor Smith, Supervisor Palchik asked unanimous consent that the Board direct the Office of Public Affairs to prepare a Proclamation, to be presented to the Commission for Women, for recognition and in honor of its 50<sup>th</sup> anniversary and ongoing efforts to obtain equity for women and girls in the County, to be presented outside of the Board Room. Without objection, it was so ordered.

22. **RESOLUTION OF RECOGNITION REQUEST FOR HOLMES RUN ACRES** (11:24 a.m.)

Supervisor Palchik stated that this year marks the 70th Anniversary of Holmes Run Acres, a community born with unique architecture, a beautiful natural setting, and

a strong sense of community. All anniversary events will be held during 2022, in hopes that the restrictions of the pandemic will be behind us, and all will be able to celebrate with the Holmes Run Community in-person.

Holmes Run Acres began in 1945 when Herman Schmidt, a Washington Investor and Owner of a 122-acre tract, filed a Deed of Declaration naming the tract Holmes Run Acres. Development began in 1950 and the houses were constructed by three builders: the Luria Brothers (Gerald and Eli), Gaddy Construction Company, and Andre Bodor. In 1957, there were 326 homes in Holmes Run Acres. Today that number stands at 365 and while the community is larger, the spirit of Holmes Run Acres remains.

Holmes Run Acres was designed with unique contemporary architecture to save trees and blend into the Virginia countryside. That intentionality is evident, as viewed through the work of the Holmes Run Acres Civic Association, who have spent years carefully documenting their history and producing Holmes Run Nature guides, cookbooks, poetry books, art collections, gardening tips, and archives. The work of the civic association and engaged neighbors helped lead to her first Board Matter, as launching the Department of Planning and Development to work with the community and her office in reviewing and preparing for a possible Historic Overlay District, expected to be completed later this calendar year.

In addition, Holmes Run Acres boasts an extensive array of community events from 'Day in the Park' to egg hunts, garden tours, and arts and craft exhibits. The association organizes fundraisers for community organizations and views the wellbeing of Woodburn Elementary School as a communal responsibility. They take great pride in looking out for their neighbors and checking in on one another. Holmes Run Acres continues to exemplify an active and caring community in the Providence District, and in the County.

Therefore, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the Holmes Run Acres community for its 70<sup>th</sup> Anniversary, to be presented outside of the Board Room. Without objection, it was so ordered.

23. **PROCLAMATION REQUEST DESIGNATING JANUARY 2022 AS "NATIONAL HUMAN TRAFFICKING AWARENESS MONTH" IN FAIRFAX COUNTY** (11:27 a.m.)

Supervisor Herrity stated that January 2022 will mark "*National Human Trafficking Awareness Month*." Human traffickers use fear and intimidation to keep trafficking victims silent, which makes raising awareness vitally important to ending this horrific crime. Trafficking is nefarious in its many forms and morphs to adapt to circumstances, even the pandemic. According to the Polaris Project, some forms of trafficking have moved to online methods over the last two years. We have seen this uptick in cyber trafficking here in the County. Victim recruitment is also increasing online. In 2020, 59 percent of online victim recruiting in active

trafficking cases occurred on Facebook, according to the Human Trafficking Institute's 2020 Federal Human Trafficking Report. It is critical to continue to educate residents on the signs of trafficking, what to do to protect themselves and those around them, and work to make the County a nonpermissive environment for all forms of exploitation.

As people educate themselves and others on human trafficking, there is a need to publicly recognize the many forms it can take. Supervisor Herrity stated that in March 2019, he asked the Board to form an interdepartmental work group to focus on the issue of over 80 illicit massage businesses (IMBs) operating in the County. These IMBs hide in plain sight among legitimate businesses and make up one of the largest and most networked markets in the United States sex trafficking industry. While the pandemic response has delayed that effort, Supervisor Herrity stated that he is eager to see the progress that will come out of this work group and other efforts to stop trafficking in the region.

Over the last two years, law enforcement agencies have arrested multiple traffickers operating in the Northern Virginia area. In many of these cases there was a connection to gang activity, specifically MS-13, taking advantage of the most vulnerable. According to the Polaris Project's 2019 data report, the top three risk factors for trafficking vulnerability are substance abuse concerns, runaway homeless youth, and recent migration/relocation. All these factors exacerbated by the pandemic cause youth to be more vulnerable to gang affiliation and trafficking. In efforts to raise awareness of human trafficking, the County needs to continue to crack down on the gangs that prey on immigrant communities, runaways, and those with drug addictions, while providing preventative services especially for children.

Recognizing Human Trafficking Awareness Month in the County will reiterate the County's commitment to preventing human trafficking, and its across-the-board consequences for victims, their families, and the community.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Proclamation designating January 2022, as "*Human Trafficking Awareness Month*" in the County, recognizing the tireless efforts of staff and County partners who have worked to raise awareness, aid survivors, and bring traffickers to justice. Without objection, it was so ordered.

24.

**REQUEST FOR A PERSONNEL COMMITTEE MEETING PRIOR TO THE DECEMBER BREAK** (11:31 a.m.)

Supervisor Herrity requested that a Personnel Committee meeting be held prior to the Board's December break to discuss department staffing concerns.

25. **JOINT CAPITAL IMPROVEMENT PROGRAM (CIP) COMMITTEE REPORT** (11:32 a.m.)

Supervisor Smith stated that at the Board and School Board retreat on February 3, 2020, the genesis for establishing a joint Board/School Board CIP Committee was initiated. Chairman McKay presented a Board Matter on February 11, 2020, on the areas that the Board and School Board could collaborate on and at the February 25, 2020, Board meeting, the creation of the Joint CIP Committee was announced, including that the Sully District Supervisor and the Dranesville District Supervisor would represent the Board on this Committee.

On September 24, 2020, the first Joint CIP Committee meeting took place with representatives from the School Board and the Planning Commission. Laura Jane Cohen, Springfield District Representative, and Abrar Omeish, Member-at-Large, represented the School Board and Tim Sargent, Member-at-Large, and Phillip Niedzielski-Eichner, Providence District, represented the Planning Commission as ex-officio members.

After a year of meetings that included excellent presentations and information from staff and robust conversations on how to move forward, the Joint CIP Committee produced a report that contains recommendations and suggestions for going forward. The report will be presented at the Board's joint budget meeting with the School Board on November 23, 2021. Supervisor Smith stated that, in advance of that meeting, the report is attached to her Board Matter.

Supervisor Smith thanked the staff that assisted in that effort and mentioned that each person is listed in the "Acknowledgements" section of the report.

**BV:bv**

26. **ADMINISTRATIVE ITEMS** (11:39 a.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman McKay seconded the motion.

Supervisor Palchik called the Board's attention to Admin 12 – Authorization for the Fairfax County Police Department (FCPD) to Apply for and Accept Grant Funding from the Department of Criminal Justice Services (DCJS), Combating Hate Crime Grant Program: Round 2 and asked to consider this item separately. This was accepted.

Supervisor Foust called the Board's attention to Admin 10 – Authorization to Advertise a Public Hearing to Consider Amendments to Article 14 of Chapter 4 of the Fairfax County Code to Revise Low-Income Real Estate Tax Exemption Eligibility Requirements and Establish a Real Estate Tax Deferral Program and discussion ensued regarding line 41 of the draft ordinance (Attachment Two of the Board Agenda Item) and moved to amend it as follows:

- “...the value of the dwelling and the land in an amount not to exceed five acres upon which that dwelling is located, subject to the condition that said land cannot be subdivided under approved zoning at any time during the then current calendar year.”

Supervisor Herrity seconded the motion. Discussion ensued, and Chairman McKay clarified, for the public, that this amendment is for the scope of the advertisement, not what is being approved.

Following further discussion regarding senior tax relief and the fiscal impact analysis, the question was called on the motion and it carried by unanimous vote.

Supervisor Foust called the Board’s attention to line 224 of the draft ordinance: “...or (2) taxation based on 125% of the mean assessed value of all residential properties in Fairfax County for the applicable tax year” and moved to advertise it, as drafted by staff, with the possibility of deleting it. Chairman McKay seconded the motion.

Following discussion, with input from Jaydeep Doshi, Director, Department of Tax Administration (DTA), and Elizabeth Teare, County Attorney, regarding the motion, 401(k) and tax relief, Supervisor Foust withdrew his motion, and this was accepted.

Discussion continued, with input from Justin Nejad, Management Analyst, Revenue Collection Division, DTA, regarding 401(k) and the net combined financial worth.

The question was called on the motion to approve Administrative Items 1-11, as amended, with the exception of Admin 12 and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

(NOTE: Later in the meeting, there was a brief discussion regarding Admin 2. See Clerk’s Summary Item #27.)

### **ADMIN 1 – EXTENSION OF REVIEW PERIOD FOR 2232 APPLICATION (MOUNT VERNON DISTRICT)**

Authorized the extension of review period for the following Public Facility (2232) Review Applications to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-2021-MV-00022	Department of Public Works and Environmental Services Original Mount Vernon High School Renovation and Adaptive Reuse Tax Map Numbers 101-4 ((1)) 5A and 101-4 ((7)) 1 8323 and 8333 Richmond Highway 4100 Mohawk Road Alexandria, VA Mount Vernon District	March 20, 2022

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY ON QUANDER ROAD TO THE FAIRFAX COUNTY PARK AUTHORITY (MOUNT VERNON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 7, 2021, at 4 p.m.**, regarding the conveyance of the Board-owned property located at 6318 Quander Road and the adjacent Fairchild parcel to the Park Authority.

**ADMIN 3 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM - CANARD STREET, MITCHELL STREET AND SPRING VALLEY LANE (MASON DISTRICT)**

- Authorized the installation of one “Watch for Children” sign on each of the following roads in the Mason District:
  - Canard Street
  - Mitchell Street
  - Spring Valley Lane
- Directed staff of the Department of Transportation to schedule the installation of the approved measures as soon as possible

**ADMIN 4 – STREET INTO THE SECONDARY SYSTEM (MOUNT VERNON DISTRICT)**

- (R) Approved the request that the street listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Leatherwood Property	Mount Vernon	Dublee Court

**ADMIN 5 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – FORDSON ROAD (LEE DISTRICT)**

- Authorized the installation of two “Watch for Children” signs on Fordson Road (Lee District)
- Directed staff of the Department of Transportation to schedule the installation of the approved measures as soon as possible

**ADMIN 6 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 22137 FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO ACCEPT GRANT FUNDING FROM VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (DBHDS) FOR AN ADOLESCENT COMMUNITY REINFORCEMENT APPROACH (A-CRA) PARTNERSHIP**

- (SAR)
- Approved SAR AS 22137 authorizing CSB to accept grant funding in the amount of \$250,000 from DBHDS for the implementation of the A-CRA. Funding will support one new full-time exempt grant position and efforts of CSB’s youth and family services to provide evidence-based treatment for substance use disorders. No local cash match is required
  - Authorized the Chairman of the Board, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

**ADMIN 7 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – GALLOWS ROAD (PROVIDENCE DISTRICT)**

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Gallows Road between Gallows Branch Road and Electric Avenue/Railroad Street (Providence District)
  - Directed staff to request the Virginia Department of Transportation to schedule the installation of the approved measures as soon as possible

**ADMIN 8 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – RIDGE HEIGHTS ROAD (HUNTER MILL DISTRICT)**

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Ridge Heights Road between Soapstone Drive and South Lakes Drive (Hunter Mill District)
  - Directed staff to request the Virginia Department of Transportation to schedule the installation of the approved measures as soon as possible

**ADMIN 9 – APPROVAL OF A “WATCH FOR CHILDREN” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – JEREMIAH COURT (SPRINGFIELD DISTRICT)**

- Authorized the installation of a “Watch for Children” sign on Jeremiah Court (Springfield District)
- Directed staff of the Department of Transportation to schedule the installation of the approved measures as soon as possible

**ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO ARTICLE 14 OF CHAPTER 4 OF THE FAIRFAX COUNTY CODE TO REVISE LOW-INCOME REAL ESTATE TAX EXEMPTION ELIGIBILITY REQUIREMENTS AND ESTABLISH A REAL ESTATE TAX DEFERRAL PROGRAM**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 7, 2021, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 4, Article 14, regarding the income and net worth eligibility limits for real estate tax relief.

**ADMIN 11 – AUTHORIZATION FOR THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA) HEALTH AND PUBLIC SAFETY WORKFORCE RESILIENCY TRAINING PROGRAM**

- Authorized FRD to apply for and accept funding, if received, from HRSA Health and Public Safety Workforce Resiliency Training Program in the amount of \$450,000; \$150,000 requested for each of the three years of the period of performance; beginning January 1, 2022, concluding December 31, 2024. Funding will support the current behavioral health program for the FRD to further the necessary foundational components to offer care for public safety

personnel struggling with behavioral health challenges that can normally be resolved with minimal to moderate care. No new positions will be created, and no local cash match is required

- Authorized the Chairman of the Board, the County Executive, and/or designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

**ADMIN 12 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS), COMBATING HATE CRIME GRANT PROGRAM: ROUND 2**

(NOTE: Earlier in the meeting, the Board took action to consider this item separately. See page 20.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #27.)

27.

**ADMIN 12 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS), COMBATING HATE CRIME GRANT PROGRAM: ROUND 2** (11:57 a.m.)

(NOTE: Earlier in the meeting, the Board took action to consider this item separately. See Clerk's Summary Item #26.)

Supervisor Gross moved that the Board:

- Authorize the FCPD to apply for and accept funding, if received, from the DCJS, Combating Hate Crimes Grant program in the amount of \$159,623. FCPD will partner with three Jewish organizations - a synagogue, a community center, and a school to improve their security in hopes of deterring, detecting, delaying and denying threats and attacks thus reducing or eliminating damage from a hate crime. No new positions will be created and no local cash match is required
- Authorize the Chairman of the Board, the County Executive, and/or designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

Chairman McKay seconded the motion.

Although not required by law, Supervisor Palchik voluntarily recused herself from consideration of this item, noting that there might be an appearance of impropriety based on her level of involvement with the Congregation Olam Tikvah and the Pozez Jewish Community Center.

Following a brief discussion regarding hate crimes, the question was called on the motion and it carried by a vote of nine, Supervisor Palchik abstaining.

(NOTE: Earlier in the meeting, action was taken regarding Administrative Items. See Clerk's Summary Item #26.)

Supervisor Storck called the Board's attention to Admin 2 – Authorization to Advertise a Public Hearing to Convey Board-Owned Property on Quander Road to the Fairfax County Park Authority (Mount Vernon District) and acknowledged the efforts made to bring together the two parcels to make for a beautiful park in the Mount Vernon District.

28. **A-1 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE BOARD OF SUPERVISORS AND CLEAN FAIRFAX COUNCIL, INCORPORATED** (11:59 a.m.)

On motion of Supervisor Storck, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the MOU between the Board and Clean Fairfax Council, Incorporated
- Authorized the Director of the Department of Public Works and Environmental Services to execute the MOU with Clean Fairfax Council, Incorporated

29. **A-2 – APPROVAL OF A PARKING REDUCTION FOR GRAHAM PARK PLAZA (MASON DISTRICT)** (12 noon)

On motion of Supervisor Gross, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a 4.1 percent parking reduction (19 fewer spaces) for the townhome component of the Graham Park Plaza redevelopment, pursuant to Paragraph 6.A. of Section 6100 of the Fairfax County Zoning Ordinance based on the sum of the hourly parking demand as demonstrated in the parking study #5945-PKS-005-2, subject to the conditions outlined in Attachment One of the Board Agenda Item.

30. **A-3 – APPROVAL OF A CONSTRUCTION PERIOD PARKING PLAN FOR 6707 OLD DOMINION DRIVE (DRANESVILLE DISTRICT)**  
(12:01 p.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and approve the construction period parking plan, #2769-PKS-003-1, pursuant to Paragraph 1.A.(5) of Section 6100 of the Fairfax County Zoning Ordinance, subject to revised Construction Period Parking Plan Conditions dated November 9, 2021, and previously distributed to the Board. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

31. **A-4 – APPROVAL OF FENCE HEIGHT MODIFICATION FOR THE POLICE TACTICAL OPERATIONS – OPERATIONS SUPPORT BUREAU PROJECT (MASON DISTRICT)** (12:02 p.m.)

On motion of Supervisor Gross, jointly seconded by Chairman McKay and Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of staff and, pursuant to subsection 4102.7.A(7)(b)3) of the Zoning Ordinance, approved the additional height of the proposed fences. The increase for the proposed eight-foot-tall fences will be from seven feet to eight feet in all yards. The increase for the backstop fence will be from 7 feet to 24 feet in the rear yard.

32. **A-5 – AUTHORIZATION FOR AMENDMENT #5 TO BELLE HAVEN WATERSHED FLOOD DAMAGE REDUCTION STUDY AGREEMENT BETWEEN FAIRFAX COUNTY AND THE US ARMY CORPS OF ENGINEERS (ACE) (MOUNT VERNON DISTRICT)** (12:02 p.m.)

Supervisor Storck moved that the Board concur in the recommendation of staff and authorize an amendment to the agreement between the County and ACE to develop updated rainfall and tide triggers in the Belle View flood response plan as detailed in Attachment One of the Board Agenda Item. Chairman McKay seconded the motion.

Discussion ensued, with input from Craig Carinci, Director, Stormwater Management Division, Department of Public Works and Environmental Services, regarding the recent storm event.

The question was called on the motion and it carried by unanimous vote.

**NS:ns**

33. **A-6 – ADOPTION OF THE FAIRFAX COUNTY GOVERNMENT AND SCHOOLS ZERO WASTE PLAN** (12:05 p.m.)

Supervisor Storck moved that the Board concur in the recommendation of staff and adopt the Fairfax County Government and Schools Zero Waste Plan, as outlined in

Attachment One of the Board Agenda Item. Chairman McKay and Supervisor Gross jointly seconded the motion.

A lengthy discussion ensued, with input from Nathalie Owen, Department of Procurement and Material Management, and Brian Hill, County Executive, regarding:

- Waste prevention
- Fiscal impact
- Environmental issues
- Technology
- Recycling

The question was called on the motion and it carried by a vote of nine, Supervisor Herrity voting “NAY.”

34. **A-7 – APPROVAL AND AUTHORIZATION TO EXECUTE A PROJECT ADMINISTRATION AGREEMENT (PAA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO IMPROVE PEDESTRIAN AND BICYCLIST CONNECTIONS ALONG ROUTE 29 FROM NEWGATE SHOPPING CENTER TO THE WESTERN INTERSECTION OF ROUTE 29 AND TRINITY PARKWAY AND FROM O’DAY DRIVE TO STONE ROAD (SULLY DISTRICT)** (12:27 p.m.)

- (R) On motion of Supervisor Smith, jointly seconded by Chairman McKay and Supervisor Alcorn, and carried by a vote of nine, Supervisor Gross being out of the room, the Board concurred in the recommendation of staff and adopted a resolution authorizing the Director of the Department of Transportation to execute a PAA with VDOT, as outlined in Attachment Two of the Board Agenda Item, for the implementation of trail improvements along Route 29.

35. **A-8 – ADOPTION OF VISION, GOALS AND OBJECTIVES FOR ACTIVE TRANSPORTATION IN FAIRFAX COUNTY** (12:28 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and adopt the Vision, Goals and Objectives for Active Transportation in the County, as outlined in Attachment One of the Board Agenda Item. Chairman McKay and Supervisor Palchik jointly seconded the motion.

Following discussion, regarding the goals, funding, and with Board Members expressing their support of the motion, the question was called on the motion and it carried by unanimous vote.

36. **A-9 – APPROVAL OF PROJECT AGREEMENTS BETWEEN THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) AND FAIRFAX COUNTY FOR FISCAL YEAR (FY) 2022 TRANSIT ASSISTANCE GRANT FUNDS** (12:41 p.m.)

On motion of Supervisor Alcorn, seconded by Chairman McKay, and carried by a vote of nine, Supervisor Smith being out of the room, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to sign 10 project agreements between DRPT and the County, as outlined in Attachments 1-10 of the Board Agenda Item, for FY 2022 transit capital and operating assistance.

37. **A-10 – AUTHORIZATION TO SIGN AN AGREEMENT FOR THE OPERATION OF A PARKING ACCESS AND REVENUE COLLECTION SYSTEM AT THE WIEHLE-RESTON EAST, HERNDON, AND INNOVATION CENTER METRORAIL STATIONS (DRANESVILLE AND HUNTER MILL DISTRICTS)** (12:41 p.m.)

On motion of Supervisor Alcorn, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Smith being out of the room, the Board concurred in the recommendation of staff and:

- Approved a Parking Access and Revenue Collection System Agreement between the Washington Metropolitan Area Transit Authority and the County to monitor and operate fare collections at the Wiehle-Reston East, Herndon, and Innovation Center Metrorail Stations
- Authorized the Director of the Department of Transportation to execute the agreement on behalf of the County

38. **A-11 – APPROVAL OF A RESOLUTION SUPPORTING ADDITIONAL PROJECTS BEING SUBMITTED TO THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) FOR FISCAL YEAR (FY) 2022 TO FY 2027 REGIONAL FUNDING CONSIDERATION (DRANESVILLE, SULLY, AND MOUNT VERNON DISTRICTS)** (12:42 p.m.)

(R) Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and adopt a Resolution supporting applications submitted to the NVTA by the Town of Herndon and Prince William County for FY 2022 – FY 2027 Regional Funding. Projects submitted by the County and other regional partners were endorsed by the Board at its September 14, 2021, meeting. Supervisor Alcorn seconded the motion.

Following a brief discussion regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Smith being out of the room.

Vice-Chairman Gross returned the gavel to Chairman McKay.

39. **C-1 – ADOPTION OF A RESOLUTION DISSOLVING THE FAIRFAX COUNTY BOARD OF ROAD VIEWERS (BORV)** (12:43 p.m.)

(R) The Board next considered an item contained in the Board Agenda, regarding dissolving the BORV.

Supervisor Gross moved that the Board adopt the Resolution dissolving the BORV. Chairman McKay and Supervisor Lusk jointly seconded the motion.

Supervisor Gross noted that the BORV has not met since 2010.

Following discussion regarding the potential elimination of other Boards, Authorities, or Commissions, the question was called on the motion and it carried by unanimous vote.

40. **C-2 – APPROVAL OF THE AMENDMENTS TO THE BYLAWS FOR THE FAIRFAX-AREA DISABILITY SERVICES BOARD (FA-DSB)** (12:47 p.m.)

The Board next considered an item contained in the Board Agenda regarding proposed amendments to the bylaws for the FA-DSB.

Supervisor Gross moved that the Board adopt the proposed amendments to the bylaws for the FA-DSB. Supervisor Lusk seconded the motion.

Supervisor Gross asked staff to report with information regarding the number of Boards, Authorities, and Commissions that still need to update their bylaws.

The question was called on the motion and it carried by unanimous vote.

**DMS:dms**

41. **RECESS/CLOSED SESSION** (12:49 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2 3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *Lamonta Gladney v. Tyler Tyan Timberlake*, Case No. 1:21-cv-287 (E.D. Va.)
  2. *Jane Doe v. Fairfax Police Officer #1; Fairfax Police Officer #2*, Case No. 1:21-cv-1150 (E.D. Va.)
  3. *David Berry, Carol A. Hawn, Helen H. Webb, and Adrienne A. Whyte v. Board of Supervisors of Fairfax County*, Case No. CL-2021-0003366 (Fx. Co. Cir. Ct.) (Countywide)
  4. *Board of Supervisors of Fairfax County and William Hicks, Director of the Fairfax County Department of Land Development Services v. Loren W. Hershey and Birgit Hershey*, Case No. CL-2019-0016688 (Fx. Co. Cir. Ct.) (Sully District)
  5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert E. Freeman and Cari A. Freeman*, Case No. CL-2021-0013753 (Fx. Co. Cir. Ct.) (Braddock District)
  6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thien Tho Ngoc Nguyen and Kim-Uyen Mai Pham*, Case No. CL-2020-14216 (Fx. Co. Cir. Ct.) (Braddock District)
  7. *Jay Riat, Building Official for Fairfax County, Virginia v. Susan Kay Peery*, Case No. GV21-015287 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
  8. *Jay Riat, Building Official for Fairfax County, Virginia v. Jose Luis Peredo*, Case No. GV21-015339 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
  9. *Jay Riat, Building Official for Fairfax County, Virginia v. Port Royal, Inc., and Agave Bar Restaurant Incorporated*, Case No. GV21-016478 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
  10. *Jay Riat, Building Official for Fairfax County, Virginia v. Hardev S. Aulakh and Kuntie Aulakh*, Case No. GV21-016563 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

11. *Jay Riat, Building Official for Fairfax County, Virginia v. Deck Dream LLC, d/b/a Virginia Deck Builders*, Case No. GV21-016559 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Porcier-Miller LLC*, Case No. GV21-011175 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Kurt Adam Janssen*, Case No. GV21-011174 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kurt Adam Janssen*, Case No. GV21-014338 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Joann H. Perry, Trustee of the Perry Family Trust Dated May 28, 2019*, Case No. GV21-016566 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Scott Perry, Trustee of the Perry Family Trust Dated May 28, 2019*, Case No. GV21-016565 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
17. *Jay Riat, Building Official for Fairfax County, Virginia v. Paul T. Tansill and Yonsun Jung Tansill*, Case No. GV21-016699 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Purple Sage Cluster Association*, Case No. GV21-013716 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
19. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Lloyd Chaisson*, Case No. GV21-015880 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
20. *Jay Riat, Building Official for Fairfax County, Virginia v. Kwangsoo Kim and Jeong Won Kim*, Case No. GV21-015897 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
21. *Jay Riat, Building Official for Fairfax County, Virginia v. Qadeer Malik and Shahnaz Malik*, Case No. GV21-016561 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

22. *Jay Riat, Building Official for Fairfax County, Virginia v. JBG/Reston Executive Center LLC*, Case No. GV21-016557 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Mezeh-Reston LLC*, Case No. GV2-016567 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
24. *Jay Riat, Building Official for Fairfax County, Virginia v. Jade Enterprises*, Case No. GV21-016704 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Norman Edward Lekang and Shirley O. Lekang*, Case No. CL-2021-0011374 (Fx. Co. Cir. Ct.) (Lee District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v. Joan C. Wertheimer*, Case No. GV21-013767 (Fx. Co. Gen. Dist. Ct.) (Lee District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Daniel Fikre, Hiwot Tekle, and Joseph H. Minasie*, Case No. GV21-016473 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Jay Riat, Building Official for Fairfax County, Virginia v. Barbara J. Vereen and David Vereen*, Case No. GV21-016474 (Fx. Co. Gen. Dist. Ct.) (Lee District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phu Bui*, Case No. CL2021-0010543 (Fx. Co. Cir. Ct.) (Mason District)
30. *Jay Riat, Building Official for Fairfax County, Virginia v. Miguel A. Gomez, Francisca Gomez, and Jose C. Gomez*, Case No. GV21-016479 (Fx. Co. Gen. Dist. Ct.) (Mason District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. Eliodoro Gukzman Calvimonte*, Case No. GV21-016475 (Fx. Co. Gen. Dist. Ct.) (Mason District)
32. *Jay Riat, Building Official for Fairfax County, Virginia v. SNS 7601 LLC, and Forever Smile Dental LLC*, Case No. GV21-016569 (Fx. Co. Gen. Dist. Ct.) (Mason District)

33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mieu Lien Phung Living Trust, KIFAB LLC, and MNK Management LLC*, Case No. CL-2021- 0144458 (Fx. Co. Cir. Ct.) (Mason District)
34. *Jay Riat, Building Official for Fairfax County, Virginia v. PS Business Parks LP*, Case No. GV21-006215 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
35. *Jay Riat, Building Official for Fairfax County, Virginia v. Home Properties Mount Vernon, LLC*, Case No. GV21-013711 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
36. *Jay Riat, Building Official for Fairfax County, Virginia v. Charbel C. Markhoul and Rita A. Douaihy*, Case No. GV21-013768 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
37. *Jay Riat, Building Official for Fairfax County, Virginia v. Antonio Flores and Beatriz Flores*, Case No. GV21-015996 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
38. *Jay Riat, Building Official for Fairfax County, Virginia v. Hector M. Perez Campos and Delmy A. Rodriguez*, Case No. GV21-16149 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
39. *Jay Riat, Building Official for Fairfax County, Virginia v. Shazma Aftab*, Case No. GV21-013769 (Fx. Co. Gen. Dist. Ct.) (Providence District)
40. *Jay Riat, Building Official for Fairfax County, Virginia v. Mohsin Ijaz and Ayesha Mohsin*, Case No. GV21-15896 (Fx. Co. Gen. Dist. Ct.) (Providence District)
41. *Jay Riat, Building Official for Fairfax County, Virginia v. Hao Ngoc Nguyen and Anna Thi Nguyen*, Case No. GV21-015881 (Fx. Co. Gen. Dist. Ct.) (Providence District)
42. *Jay Riat, Building Official for Fairfax County, Virginia v. Caroline K. Reed*, Case No. GV21-015895 (Fx. Co. Gen. Dist. Ct.) (Providence District)
43. *Jay Riat, Building Official for Fairfax County, Virginia v. Marisol Ferrel*, Case No. GV21-016019 (Fx. Co. Gen. Dist. Ct.) (Providence District)

44. *Jay Riat, Building Official for Fairfax County, Virginia v. Bianca Renee O'Hare and Brandon Michael O'Hare*, Case No. CL-2021-0015142 (Fx. Co. Cir. Ct.) (Springfield District)
45. *Jay Riat, Building Official for Fairfax County, Virginia v. Zeb Hijab*, Case No. GV21-015286 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
46. *Jay Riat, Building Official for Fairfax County, Virginia v. Waseem Q. Chaudhry and Seemi Gull*, Case No. GV21-015885 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
47. *Jay Riat, Building Official for Fairfax County, Virginia v. Andrea P. Ortuno and Herlan O. Ortuno*, Case No. GV21-015877 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
48. *Jay Riat, Building Official for Fairfax County, Virginia v. Dominick J. Pisciotta and Margaret T. Pisciotta Trustees*, Case No. GV21-016022 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
49. *Jay Riat, Building Official for Fairfax County, Virginia v. Deck Dream LLC, d/b/a Virginia Deck Builders*, Case No. GV21-016558 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
50. *Jay Riat, Building Official for Fairfax County, Virginia v. Young Sook Chun and Chong Yel Chun*, Case No. GV21-016707 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
51. *Jay Riat, Building Official for Fairfax County, Virginia v. Trinh Hoang and Danielle Hoang*, Case No. GV21-016701 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
52. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Richard L. Hays and Angela S. Hays*, Case No. CL-2021-0013259 (Fx. Co. Cir. Ct.) (Sully District)
53. *Jay Riat, Building Official for Fairfax County, Virginia v. Marleny Howard*, Case No. GV21-016701 (Fx. Co. Gen. Dist. Ct.) (Sully District)
54. *Jay Riat, Building Official for Fairfax County, Virginia v. Jairo Rodriguez and Clara Derodriguez*, Case No. GV21-016480 (Fx. Co. Gen. Dist. Ct.) (Sully District)

55. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Beatrice C. Garcia*, Case No. GV21-016564 (Fx. Co. Gen. Dist. Ct.) (Sully District)

56. *Jay Riat, Building Official for Fairfax County, Virginia v. Nicole M. Alfandre*, Case No. GV21-016705 (Fx. Co. Gen. Dist. Ct.) (Sully District)

57. *Board of Supervisors of Fairfax County v. TNJ Realty Inc., d/b/a RE/MAX Allegiance and Faye Henris*, Case No. GV21-014337 (Fx. Co. Gen. Dist. Ct.)

And in addition:

- As permitted by Virginia Code Sections 2.2-3711(A)(3), (7), (8), and (29), potential litigation and contract negotiations regarding the real property located at Tax Map No. 101-2((6)) parcel 25 in the Lee District
- As permitted by Virginia Code Section 2.2-3711(A)(1), (7), and (8), legal analysis and personnel matter regarding retirement board authority
- As permitted by Virginia Code Section 2.2-3711(A)(1), personnel discussion regarding County Executive and County Attorney annual evaluations and potential appointment of a Deputy County Executive

Supervisor Foust seconded the motion and it carried by unanimous vote.

At 3:08 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Herrity, and with Chairman McKay presiding.

Chairman McKay announced that Supervisor Herrity was not present for Closed Session and would be absent from the afternoon public hearings.

### **ACTIONS FROM CLOSED SESSION**

42. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:08)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor

Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity being out of the room.

43. **APPOINTMENT OF ELLICIA SEARD-MCCORMICK AS DEPUTY COUNTY EXECUTIVE** (3:09 p.m.)

Supervisor Gross moved the appointment of Ellicia Seard-McCormick to the position of Deputy County Executive for Administration, Grade E-14, with a starting salary of \$200,000, effective November 22, 2021. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

**EBE:ebe**

**AGENDA ITEMS**

44. **3 P.M. – PUBLIC HEARING TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2022 VIRGINIA GENERAL ASSEMBLY** (3:11 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

A brief discussion ensued, with input from Claudia Arko, Legislative Director, regarding the legislative program.

Supervisor Walkinshaw, Chair of the Legislative Committee, presented a brief synopsis of the proposed legislative program, noting the following:

- The language on the Draft Legislative Program highlighted in yellow has been added since the Board’s last Legislative Committee meeting on October 26, 2021. The new language is in response to direction that the Board provided to staff at that meeting
- As the Board begins working with the newly elected Governor Glenn Youngkin, his administration, and the General Assembly (GA) it will continue to emphasize these priorities, while also focusing on our shared goals and areas of common ground
- State revenue has continued to fluctuate in recent years, but due to the substantial injection of federal funds, including American Rescue Plan Act funds, the State is in a considerably stronger financial position than was expected at this time last year. This presents an opportunity to make critical investments in K–12 education, human services, and other shared state and local programs after years of state underfunding. State budget will be a

major area of focus in the 2022 session as the General Assembly continues to respond to the COVID-19 pandemic and works on a full two year budget for the 2022-2024 biennium

- As in previous years, the program features State support for education as a top priority and urges the State to fully meet its responsibility to adequately fund K–12, including restoration of full funding for cost of competing funds
- The Board’s regional transportation priority statement encourages the GA to fully restore funding to the Northern Virginia Transportation Authority in an amount equal to what was diverted some years ago, and encourages the GA to build upon the successful enactment of the significant transportation revenues by the 2013 and 2020 GA’s to ensure sufficient funding for transportation needs
- The Human Services issue paper highlights the County’s interest in a number of Human Services programs and includes three priorities:
  - State funding and actions to increase the availability of affordable housing options
  - Sustainable State funding for diversion programs that connect people who come into contact with the justice system for nonviolent offenses for treatment
  - Increase State support to address the ongoing substance use disorder epidemic
- Two items under consideration as initiatives this year:
  - Allow Fairfax County Park Authority to resale electricity through electric vehicle charging stations
  - Reduce barriers for localities seeking to participate in virtual net metering through the States existing Municipal Net Metering Pilot Program. Net metering programs are of particular interest to local governments because they allow eligible customers to offset their power consumption by receiving credit for renewable power return to the energy grid. The County has long been committed to addressing the impacts of climate change and recently adopted a declaration committing to becoming carbon neutral by 2040. These initiatives would be a critical part of the County’s efforts to reduce fossil fuel emissions

Supervisor Walkinshaw noted that the last Legislative Committee meeting for the year will be November 23, 2021, to finalize the Legislative Program in preparation for Board adoption on December 7, 2021. In addition, there will be some discussion

regarding various federal issues, and as mentioned at the previous Committee meeting, additional language surrounding building codes and energy efficiency.

A brief discussion ensued, with input from Ms. Arko, regarding the program.

Following the public hearing, which included testimony by six speakers, discussion ensued, and Supervisor Walkinshaw addressed issues raised by the speakers regarding military surviving spouse tax exemption and gas powered leaf blowers.

Following discussion, regarding gas powered leaf blowers, Supervisor Alcorn asked unanimous consent that the Board direct staff to check with the two GA sponsors of the Bill to see if that is something the County could support. Without objection, it was so ordered.

45. **3 P.M. – PUBLIC HEARING ON ALTERNATIVE PLANS SUBMITTED TO THE BOARD BY THE 2021 REDISTRICTING ADVISORY COMMITTEE (RAC) AND THE PUBLIC TO REDISTRIBUTE AND REAPPORTION THE ELECTION DISTRICTS OF THE BOARD OF SUPERVISORS AND AUTHORIZATION TO ADVERTISE THE BOARD’S INTENTION TO ADOPT A REDISTRICTING ORDINANCE ON DECEMBER 7, 2021**  
(3:42 p.m.)

- (A) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

Chairman McKay noted that the RAC was set up and has met 13 times since July 27, 2021. Due to significant challenges and delays in receiving census data and information both from the federal government and the State, and then uploading that data to the mapping software, it forced the Board to extend the Committee by two weeks. At its October 19, 2021, meeting the Board authorized advertisement of all 64 proposed plans that were received.

Erin Ward, Deputy County Attorney, presented the staff report.

Following the public hearing, which included testimony by 14 speakers, discussion ensued, with input from Ms. Ward, who addressed issues raised by a speaker regarding:

- How to provide written comments after the public hearing
- The process for electing a new supervisor if a new district is created

Chairman McKay announced that the:

- Record will remain open to receive written comments until December 7, 2021, at which time the Board will take action regarding redistricting

- RAC will be extended to explore the names of magisterial districts and issue recommendations to the Board after the Board's action on December 7, 2021

Supervisor Walkinshaw moved that the Board:

- Close the public hearing, while keeping the record open to continue to receive and consider written comments on the proposed alternative redistricting plans
- Defer decision on the redistricting plan until **December 7, 2021, at 3 p.m.**
- Authorize staff to publish a newspaper advertisement giving notice that the Board intends to adopt an ordinance at its December 7, 2021, meeting that will amend Fairfax County Code, Chapter 7, Article 2, to affect the 2021 Redistricting and establish the County's new election districts

Chairman McKay seconded the motion.

Following discussion regarding the work of the RAC and redistricting, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Herrity being out of the room.

46. **3:30 P.M. – DECISION ONLY ON RZ 2020-PR-008 (WESTPARK CORPORATE CENTER, L.L.C.) TO REZONE FROM C-4, HC AND SC TO PDC, HC AND SC TO PERMIT OFFICE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 2.49 AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN (CDP), LOCATED ON APPROXIMATELY 4.41 ACRES OF LAND (PROVIDENCE DISTRICT)**

**AND**

**DECISION ONLY ON RZ 2020-PR-009 (TMG 8400 WESTPARK DRIVE, L.P.) TO REZONE FROM C-4, SC AND HC TO PTC, SC AND HC TO PERMIT MIXED USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF UP TO 2.71, INCLUDING BONUS DENSITY FOR THE PROVISION OF AFFORDABLE HOUSING, LOCATED ON APPROXIMATELY 9.37 ACRES OF LAND (PROVIDENCE DISTRICT)**  
(4:54 p.m.)

- (O) (NOTE: On October 19, 2021, the Board held a public hearing regarding these applications and deferred decision until November 9, 2021.)

The Rezoning Application RZ 2020-PR-008 property is located on the north side of Leesburg Pike and west side of Westpark Drive, Tax Map 29-3 ((1)) 66A3, 66A4.

The Rezoning Application RZ 2020-PR-009 property is located on the south side of Greensboro Drive and west side of Westpark Drive, Tax Map 29-3 ((1)) 63B, 66B1 and 66B3.

As a friendly reminder, Chairman McKay announced that masks are required to be always worn in all County government buildings by all people, regardless of vaccination status. If you are going to testify, the mask must be worn for the protection of everyone in the County.

Supervisor Palchik noted that there were a couple of questions and outstanding issues raised at the public hearing. Therefore, she asked the agent for the applicant to confirm any progress that has been made in the coordination between Meridian and the neighbors at Greensboro Square to attempt to reduce the height of the retaining walls.

Discussion ensued, with input from Elizabeth Baker, Walsh, Colucci, Lubeley and Walsh, P.C., regarding:

- A verbal agreement which has been reached
- Handicap parking and accessibility
- Crosswalks around the development
- Proffer commitments

Following remarks, Supervisor Palchik moved approval of Rezoning Application RZ 2020-PR-008 and the associated CDP, subject to the proffers dated September 16, 2021. Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity and Supervisor Storck being out of the room.

Supervisor Palchik further moved approval of Rezoning Application RZ 2020-PR-009 and the associated CDP, subject to the proffers dated October 12, 2021. Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity and Supervisor Storck being out of the room.

Supervisor Palchik further moved approval of the modifications and waivers listed in the two digital handouts dated October 19, 2021, as follows:

For RZ 2020-PR-008:

- Modification of subsection 5100.2.D.4.c(3) of the Zoning Ordinance to permit buildings on a corner lot as shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP)
- Modification of subsection 5108.8 of the Zoning Ordinance to permit a deviation from tree conservation requirements, as shown on the CDP
- Modification of subsection 8100.7.E(2) of the Zoning Ordinance to permit the streetscape and on-road bike lane system shown on the CDP/FDP in place of any trails and bike trails shown for the subject property on the Comprehensive Plan
- Waiver of subsection 8100.7.E(3)(a) of the Zoning Ordinance requiring a service road along Route 7
- Waiver of subsection 8100.7.E(3)(b) of the Zoning Ordinance requiring additional inter-parcel access to adjoining parcels beyond that shown on the CDP/FDP and proffers
- Modification of subsection 8100.7.E(4) of the Zoning Ordinance to not require further dedication, construction, or widening of existing roads beyond that which is indicated on the CDP/FDP and proffers
- Modification of Paragraph 6 of the Public Facilities Manual (PFM) Section 12-0310.4 to permit a reduction in the minimum planting area for trees planted to satisfy the tree cover requirements from a width of eight feet to that demonstrated on the CDP/FDP and as proffered

For RZ 2020-PR-009:

- Modification of subsection 2105.6.A(7) of the Zoning Ordinance for the Tysons Urban Center streetscape design in favor of that shown on the CDP
- Waiver of subsection 2105.6.B(1) of the Zoning Ordinance requiring a minimum district size of 10 acres
- Modification of subsection 5100.2.D.4.c(3) of the Zoning Ordinance to permit buildings on a corner lot as shown on the CDP

- Waiver of subsection 5107.3(3) of the Zoning Ordinance to permit private streets greater than 600 feet in length, as shown on the CDP
- Modification of subsection 5108.8 of the Zoning Ordinance to permit a deviation from tree conservation requirements, as shown on the CDP
- Modification of the loading space requirements set forth in subsection 6101.3 of the Zoning Ordinance in favor of that which is shown on the CDP
- Waiver of subsection 8100.2.E(3) of the Zoning Ordinance requiring the submission of an FDP application associated with the submission of all site plans for all public roadways plans and infrastructure improvement plans
- Waiver of subsection 8100.7.E(3) of the Zoning Ordinance requiring additional inter-parcel access to adjoining parcels beyond that shown on the CDP and as proffered
- Modification of subsection 8100.7.E(4) of the Zoning Ordinance to not require further dedication, construction, or widening of existing roads beyond that which is indicated on the CDP and proffers
- Modification of Paragraph 6 of PFM Section 12-0310.4 to permit a reduction in the minimum planting area for trees planted to satisfy the tree cover requirements from a width of eight feet to that demonstrated on the CDP and as proffered

Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity and Supervisor Storck being out of the room.

(NOTE: On October 13, 2021, the Planning Commission approved Final Development Plan Application FDP 2020-PR-008, subject to the proposed development conditions dated September 23, 2021, and Final Development Plan Application FDP 2020-PR-009, subject to the proposed development conditions dated September 23, 2021.)

47. **3:30 P.M. – PUBLIC HEARING ON AR 96-S-002-03 (NILA M. CASTRO TRUST AND CASTRO COLCHESTER FARMS, LLC) TO PERMIT RENEWAL OF A PREVIOUSLY APPROVED AGRICULTURAL AND FORESTAL DISTRICT, LOCATED ON APPROXIMATELY 118.25 ACRES OF LAND ZONED R-C AND WS (SPRINGFIELD DISTRICT)**  
(5:05 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

The application property is located at 11720 and 11800 Chapel Road, Clifton, 20124, Tax Map 76-3 ((1)) 13Z and 76-4 ((1)) 15Z.

Anthony Obuekwe, Planner, Department of Planning and Development (DPD), presented the staff report.

Following the public hearing, Mr. Obuekwe presented the staff and Planning Commission recommendations.

A brief discussion ensued, with input from Kelly Atkinson, Branch Chief, Environmental Review Branch, DPD, regarding the applicant's acceptance of the ordinance.

Following a query by Chairman McKay, the applicant, Nila M. Castro, confirmed for the record, acceptance of Ordinance provisions dated October 13, 2021.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and, on behalf of Supervisor Herrity, moved approval of Agricultural Renewal Application AR 96-S-002-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Castro Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 13, 2021. Vice-Chairman Gross seconded the motion and it carried by a vote of seven, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Herrity, Supervisor Palchik, and Supervisor Storck being out of the room.

Vice-Chairman Gross returned the gavel to Chairman McKay.

48. **3:30 P.M. – PUBLIC HEARING ON AR 2005-SU-002-02 (J. DAVID SANDERS, TR. AND KIMBERLY A. SANDERS, TR.) TO PERMIT RENEWAL OF A PREVIOUSLY APPROVED AGRICULTURAL AND FORESTAL DISTRICT, LOCATED ON APPROXIMATELY 131.04 ACRES OF LAND ZONED R-C, HD AND WS (SULLY DISTRICT)**

(5:11 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

The application property is located at 16009 Lee Highway, Centreville, 20121, Tax Map 63-2 ((1)) 9Z, 9Z1; 64-1 ((1)) 32Z and 64-3 ((1)) 1Z.

Anthony Obuekwe, Planner, Department of Planning and Development, presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Obuekwe presented the staff and Planning Commission recommendations.

Following a query by Supervisor Smith, David Sanders, the applicant, confirmed, for the record, acceptance of Ordinance provisions dated October 13, 2021.

Supervisor Smith moved approval of Agricultural Renewal Application AR 2005-SU-002-02, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Sanders Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 13, 2021. Chairman McKay seconded the motion. Following a brief discussion, the question was called on the motion and it carried by a vote of seven, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Herrity, Supervisor Palchik, and Supervisor Storck being out of the room.

49. **3:30 P.M. – PUBLIC HEARING ON SEA 90-M-005-03 (VIRGINIA PSYCHIATRIC COMPANY, INC. D/B/A DOMINION HOSPITAL) TO AMEND SE 90-M-005, PREVIOUSLY APPROVED FOR A MEDICAL CARE FACILITY, TO PERMIT MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 2.54 ACRES OF LAND ZONED R-3, HC, CRD AND SC (MASON DISTRICT)** (5:17 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

The application property is located at 2960 Sleepy Hollow Road, Falls Church, 22044, Tax Map 51-3 ((1)) 9A.

Molly Novotny, Cooley LLP, reaffirmed the validity of the affidavit dated September 16, 2021, for the record.

Curtis Rowlette, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Ms. Novotny had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Discussion ensued, with input from Ms. Novotny and Ben Brown, Chief Executive Officer, Dominion Hospital, regarding the development condition concerning patient transportation and parking.

Following the public hearing, Mr. Rowlette presented the staff and Planning Commission recommendations.

Following a query by Supervisor Gross, Ms. Novotny confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 12, 2021.

Following remarks, Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 90-M-005-03, subject to the development conditions dated October 12, 2021.
- Reaffirmation of the transitional screening modification in favor of the landscaping shown on the Dominion Hospital: Landscape Exhibit on the SEA Plat.

Supervisor Palchik seconded the motion and it carried by a vote of eight, Supervisor Herry and Supervisor Storck being out of the room.

50. **3:30 P.M. – PUBLIC HEARING ON SE 2021-PR-006 (TYSONS GALLERIA ANCHOR ACQUISITION, LLC) TO PERMIT A VEHICLE SALES, RENTAL, AND SERVICE USE, LOCATED ON APPROXIMATELY 2.6 ACRES OF LAND ZONED PDC, HC AND SC (PROVIDENCE DISTRICT) (5:28 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

The application property is located at 1651 International Drive, McLean, 22102, Tax Map 29-4 ((10)) 1A (pt.) and 1C1 (pt.).

Bernard Suchicital, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the validity of the affidavit dated October 25, 2021, for the record.

Joseph Onyebuchi, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Suchicital had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Mr. Onyebuchi presented the staff and Planning Commission recommendations.

Following remarks and a query by Supervisor Palchik, Mr. Suchicital confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 15, 2021.

Supervisor Palchik moved approval of Special Exception Application SE 2021-PR-006, subject to the development conditions dated October 15, 2021. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

51. **3:30 P.M. – PUBLIC HEARING ON SE 2021-PR-001 (FAIRFAX SQUARE, LLC) TO PERMIT A WAIVER OF CERTAIN SIGN REGULATIONS, LOCATED ON APPROXIMATELY 7.7 ACRES OF LAND ZONED C-7, SC AND HC (PROVIDENCE DISTRICT) (5:35 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

The application property is located at 8045, 8065, and 8075 Leesburg Pike, Tysons, 22102, Tax Map 39- 2 ((2)) 106 (pt.).

Lori Greenlief, McGuire Woods LLP, reaffirmed the validity of the affidavit dated August 23, 2021, for the record.

Alexis Robinson, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Ms. Greenlief had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Ms. Robinson presented the staff and Planning Commission recommendations.

Following remarks and a query by Supervisor Palchik, Ms. Greenlief confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 15, 2021.

Supervisor Palchik moved approval of Special Exception Application SE 2021-PR-001, subject to the development conditions dated September 15, 2021. Supervisor Lusk seconded the motion. Following a brief discussion regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

**KK:kk**

52. **4 P.M. – PUBLIC HEARING ON PCA 81-C-111 (TRUSTEES OF THE ZELINGER FAMILY TRUST DATED FEBRUARY 17, 2006) TO AMEND THE PROFFERS FOR RZ 81-C-111, PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT, TO PERMIT RESIDENTIAL DEVELOPMENT AT A DENSITY OF 2.08 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 1.44 ACRES OF LAND ZONED R-3 CLUSTER (HUNTER MILL DISTRICT) (5:49 p.m.)**

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

The application property is located on the south side of Clarks Crossing Road and west side of Aubrey Place Court, Tax Map 28-3 ((19)) 19 and 20.

Elizabeth D. Baker, Agent, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the validity of the affidavit dated August 6, 2021, for the record.

Alexis Robinson, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Ms. Baker had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Supervisor Alcorn noted that updated proffers had been distributed around the dais.

Following the public hearing, which included testimony by seven speakers, Ms. Robinson presented the staff and Planning Commission recommendations.

Supervisor Alcorn moved approval of Proffered Condition Amendment Application PCA 81-C-111, subject to the proffers dated November 8, 2021. Supervisor Lusk seconded the motion and it carried by a vote of eight, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk,

Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herry and Supervisor Palchik being out of the room.

53. **4 P.M. – PUBLIC HEARING ON RZ 2021-LE-002 (THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY) TO REZONE FROM THE PRM AND PDH-8 DISTRICTS TO THE PDH-8 DISTRICT TO PERMIT A PUBLIC FACILITY WITH AN OVERALL FLOOR AREA RATIO OF 0.31 AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 6.74 ACRES OF LAND (LEE DISTRICT)**

**AND**

**PUBLIC HEARING ON PCA 82-L-030-14 (THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY) TO AMEND THE PROFFERS FOR RZ 82-L-030, PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT, TO PERMIT DELETION OF LAND AREA, LOCATED ON APPROXIMATELY 1.73 ACRES OF LAND ZONED PDH-8 (LEE DISTRICT) (6:03 p.m.)**

- (Os) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

The Rezoning Application RZ 2021-LE-002 property is located on the north and west side of Silver Lake Boulevard, east of Beulah Street and south of Manchester Boulevard, Tax Map 91-3 ((9)) 8A and 8B.

The Proffered Condition Amendment Application PCA 82-L-030-14 property is located on the north and west side of Silver Lake Boulevard, east of Beulah Street and south of Manchester Boulevard, Tax Map 91-3 ((9)) 8A and 8B (pt.).

Karin Hornstein, Project Manager, Building Design Branch, Department of Public Works and Environmental Services reaffirmed the validity of the affidavit dated September 21, 2021, for the record.

Zach Fountain, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Ms. Hornstein had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Discussion ensued, with input from Ms. Hornstein, regarding:

- The security of the childcare playground

- The operation of the childcare center

Following the public hearing, which included testimony by one speaker, discussion ensued regarding an issue raised by the speaker concerning the proposed site design.

Mr. Fountain presented the staff and Planning Commission recommendations. Following remarks, Supervisor Lusk moved:

- Approval of Proffered Condition Amendment Application PCA 82-L-030-14
- Approval of Rezoning Application RZ 2021-LE-002, and the associated Conceptual Development Plan (CDP), subject to the proffers dated November 5, 2021
- Modification of the transitional screening and barrier requirements along the southern, eastern, and western property boundaries as depicted on the CDP

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity being out of the room.

(NOTE: On November 3, 2021, the Planning Commission approved Final Development Plan Application FDP 2021-LE-002, subject to the Board’s approval of RZ 2021-LE-002 and the proposed development conditions dated November 3, 2021. It also found that the public facility proposed under 2232-L20-3, satisfies the criteria of location, character and extent, as specified in Section 15.2-2232 of the Code of Virginia, as amended, and therefore is substantially in accord with the Comprehensive Plan.)

54.

**4 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2020-IV-S1, LOCATED AT 7501 LOISDALE ROAD, ON THE EAST SIDE OF LOISDALE ROAD AND SOUTH OF LOISDALE ESTATES AND LOISDALE PARK (LEE DISTRICT) (6:32 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

Stephen Waller, Planner III, Heritage Resource and Plan Development Branch, Department of Planning and Development, presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Waller presented the staff and Planning Commission recommendations.

Supervisor Lusk moved approval of Plan Amendment 2020-IV-S1, as recommended by the Planning Commission and shown in the Board Agenda Item. Chairman McKay seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Herrity and Supervisor Palchik being out of the room.

55. **4 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2013-CW-9CP COASTAL RESOURCE MANAGEMENT/TIDAL SHORELINE EROSION CONTROL AND PROPOSED AMENDMENTS TO CHAPTER 116 (WETLANDS ZONING ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA** (6:44 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

Katie Hermann, Planner III, Planning Division, Department of Planning and Development, presented the staff report.

Following the public hearing, which included testimony by four speakers, Ms. Hermann presented the staff and Planning Commission recommendations.

Supervisor Smith moved:

- Approval of Plan Amendment 2013-CW-9CP, as recommended by the Planning Commission, and as found in the Staff Report dated September 8, 2021
- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 116 (Wetlands Zoning Ordinance), as found in Attachment One of the Staff Report dated September 8, 2021

Supervisor Storck seconded the motion. Discussion ensued, with input from Elizabeth Teare, County Attorney, and Marc Gori, Assistant County Attorney, regarding adoption of code amendments to enact State law.

Discussion continued, with input from Ms. Hermann, regarding County-owned properties with older constructed shorelines that could be affected and require repair or replacement.

Supervisor Alcorn asked unanimous consent that the Board direct staff to report with information regarding any affected County-owned properties. Without objection it was so ordered.

Supervisor Gross asked to include the Northern Virginia Regional Park Authority in the report, and this was accepted.

The question was called on the motion and it carried by a vote of eight, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity and Supervisor Lusk being out of the room.

Supervisor Storck moved that the Board direct the Wetlands Board to work with the Office of the County Attorney to revise the existing policy/guidance document that discusses Living Shorelines considerations during the permit application process, “*A Guide to the Applicant’s Statement of Justification for Shoreline Alteration/Stabilization in Tidal Wetlands and Additional Submission Requirements.*” The Wetlands Board policy development considerations should include, but not be limited to, the presence of septic systems, loss of trees, the energy of the water body, boat traffic, cost to remove a sea wall, cost to install a living shoreline, property use impacts, seawall/bulkhead maintenance, Sea Level Rise impact on land ownership, and living shoreline property impacts provided that these items do not conflict with any federal, state or County ordinance and regulations and seek significant public engagement on the draft policy before it is finalized. Supervisor Smith seconded the motion. Following discussion regarding the motion, the question was called on the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Lusk being out of the room.

Supervisor Stork further moved that the Board refer the issues raised in the public hearing and written testimony to the Legislative Committee for monitoring and consideration of legislative proposals during the upcoming General Assembly session. Supervisor Smith seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Lusk being out of the room.

56. **4 P.M. – PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF WIEHLE AVENUE AT W&OD TRAIL (HUNTER MILL DISTRICT)** (7:18 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

Kelly Alcon, Senior Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Alcorn moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Wiehle Avenue at W&OD Trail project, Grant 1400102-2013 in Fund 50000, Federal State Grants. Supervisor Foust and Supervisor Palchik jointly seconded the motion and it carried by a vote of six, Supervisor Alcorn, Supervisor Foust,

Supervisor Palchik, Supervisor Storck, Supervisor Walkinshaw, and Vice-Chairman Gross voting “AYE,” Supervisor Herrity, Supervisor Lusk, Supervisor Smith, and Chairman McKay being out of the room.

57. **4:30 P.M. – PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF OLD COURTHOUSE ROAD - BESLEY ROAD REALIGNMENT (HUNTER MILL DISTRICT)** (7:24 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

Jim Strayhorne, Senior Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Alcorn moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 5G25-059-007 - Old Courthouse Road - Besley Road Realignment, Fund 30050, Transportation Improvements. Supervisor Foust seconded the motion and it carried by a vote of six, Supervisor Alcorn, Supervisor Foust, Supervisor Palchik, Supervisor Storck, Supervisor Walkinshaw, and Vice-Chairman Gross voting “AYE,” Supervisor Herrity, Supervisor Lusk, Supervisor Smith, and Chairman McKay being out of the room.

58. **4:30 P.M. – PUBLIC HEARING ON A PROPOSAL TO VACATE A PORTION OF IVY LANE / ROUTE 1055 (PROVIDENCE DISTRICT)** (7:29 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 8 and October 15, 2021.

Gavin Derleth, Sight Analysis Section, Department of Transportation, presented the staff report.

Discussion ensued, with input from Mr. Derleth, regarding buildable lots, noting that the applicant has included a covenant that would not allow the land to be subdivided to build another home.

Following the public hearing, which included testimony by one speaker, Mr. Derleth presented the staff recommendation.

Supervisor Palchik moved adoption of the Ordinance vacating a portion of Ivy Lane/Route 1055, which is located to the southwest of the intersection of Hill Road. Supervisor Foust seconded the motion and it carried by a vote of six,

Supervisor Foust, Supervisor Lusk, Supervisor Palchik, Supervisor Storck, Supervisor Walkinshaw, and Vice-Chairman Gross voting “AYE,” Supervisor Alcorn, Supervisor Herrity, Supervisor Smith, and Chairman McKay being out of the room.

59. **4:30 P.M. – PUBLIC HEARING ON A PROPOSAL TO VACATE A PORTION OF GLORUS ROAD (SULLY DISTRICT) (7:37 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 8 and October 15, 2021.

Jeffrey Edmondson, Sight Analysis Section, Department of Transportation, presented the staff report.

Following the public hearing, Mr. Edmondson presented the staff recommendation.

Supervisor Smith moved adoption of the Ordinance vacating a portion of Glorus Road, which is located to the north of the intersection of Thompson Road. Supervisor Palchik seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn, Supervisor Herrity, and Supervisor Storck being out of the room.

60. **4:30 P.M. – PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF THOMAS GRANT DRIVE / ROUTE 8425 (LEE DISTRICT) (7:41 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 8 and October 15, 2021.

Jeffrey Edmondson, Department of Transportation, Sight Analysis Section, presented the staff report.

Following the public hearing, Mr. Edmondson presented the staff recommendation.

Supervisor Lusk moved adoption of the Ordinance and Order vacating and abandoning a portion of Thomas Grant Drive/Route 8425. Supervisor Gross and Chairman McKay jointly seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn, Supervisor Herrity and Supervisor Storck being out of the room.

61. **4:30 P.M. – PUBLIC HEARING TO CONSIDER AMENDMENTS TO CHAPTER 4, ARTICLE 23 OF THE FAIRFAX COUNTY CODE** (7:44 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

Jay Doshi, Director, Department of Tax Administration presented the staff report.

Discussion ensued, with input from Mr. Doshi, who clarified that this action adds the additional option of filing electronically and does not remove the option of filing a paper copy.

Following the public hearing, Mr. Doshi presented the staff recommendation.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4, Article 23, to clarify filing deadlines and allow for the electronic filing of applications and supporting documents to the Board of Equalization. Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herry and Supervisor Storck being out of the room.

62. **4:30 P.M. – DECISION ONLY ON A PROPOSAL TO VACATE PORTIONS OF 7<sup>TH</sup> PLACE AND UNNAMED RIGHT OF WAY (DRANESVILLE DISTRICT)** (7:47 p.m.)

- (O) (NOTE: On October 19, 2021, the Board held a public hearing regarding this item and deferred decision until November 9, 2021.)

Jeffrey Edmondson, Sight Analysis Section, Department of Transportation, stated that this proposal is a follow up on the deferred decision from the October 19, 2021, Board meeting. Staff has worked with the applicant and neighbors to resolve the pedestrian access issues.

Supervisor Foust moved adoption of the Ordinance vacating portions of 7<sup>th</sup> Place and Unnamed Right of Way. The motion was multiply seconded, and it carried by a vote of eight, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herry and Supervisor Storck being out of the room.

63. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:50 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of October 22 and October 29, 2021.

Chairman McKay announced the rules associated with public comment: The Board will hear public comment on any issue, except issues under litigation; issues that have been scheduled for public hearing before the Board; personnel matters and/or comments regarding specific individuals. Speakers must register in advance, and each speaker is given three minutes for his or her remarks. A maximum of ten speakers may address the Board during any public comment period and speakers may address the Board once during a six-month period.

As a reminder, masks must be worn at all times while in this building regardless of vaccination status including while providing testimony.

Public comment was held and included the following individuals:

- Adrian Steel – Regarding the need for the Board to take the principles of inclusion and diversity in the process for recruiting and hiring the new Deputy County Executive
- Diane Burkley Alejandro – Regarding selection of Deputy for Public Safety
- Nancy McFalls – Regarding active Transportation Plan and West Falls Church
- Marcella Levine – Regarding the selection process for Deputy County Executive for Safety and Security
- Yvette Bronx – Regarding equity and fairness
- Robert Boggs – Regarding West Falls Church Metro Active Transportation Plan
- Brenda Tillett – Regarding public safety
- Philip Latasa – Regarding climate change
- Julie Mertz – Regarding public safety response time

64. **BOARD ADJOURNMENT** (8:24 p.m.)

At 8:24 p.m. the Board adjourned.